

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address NEXUS BANKRUPTCY Benjamin Heston (297798) 100 Bayview Circle #100 Newport Beach, CA 92660 Tel: 951.290.2827 Fax: 949.288.2054 ben@nexusbk.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: MAXIMO ARTURO ARRIOLA, Debtor(s).	CASE NO.:6:22-bk-13643-SY CHAPTER: 13
	NOTICE OF MOTION UNDER LBR 3015-1(n) AND (w) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS
	[No hearing required unless requested under LBR 3015-1(w)]

1. NOTICE IS GIVEN that the Debtor in the above-captioned case will move this court for an order granting the relief sought in the attached motion. The motion is based upon the grounds set forth in the motion. The motion is made pursuant to LBR 3015-1(n) and (w), which provide that this motion may be granted without a hearing.
2. **Deadline for Opposition Papers and Request for a Hearing:** Any party objecting to the attached motion must file with the court and serve on the Debtor and the chapter 13 trustee a written objection and request for a hearing on the motion. If you fail to file a written objection within 21 days of the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F), the court may treat such failure as a waiver of your right to oppose the motion and may grant the motion.

Date: 7/11/2023

/s/Benjamin Heston

Signature of Debtor or attorney for Debtor

Benjamin Heston

Printed name of Debtor or attorney for Debtor

Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address NEXUS BANKRUPTCY Benjamin Heston (297798) 100 Bayview Circle #100 Newport Beach, CA 92660 Tel: 951.290.2827 Fax: 949.288.2054 ben@nexusbk.com <input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for Debtor(s)	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION	
In re: MAXIMO ARTURO ARRIOLA, Debtor(s).	CASE NUMBER: 6:22-bk-13643-SY CHAPTER 13
	MOTION UNDER LBR 3015-1(n) AND (w) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS
	[No Hearing Required]

1. The Debtor hereby moves this court to modify the confirmed Chapter 13 Plan or suspend plan payments, as set forth in detail below.
2. The purpose of this motion is to (**check all that apply**):
 - ☒ Cure the delinquency.
 - ☐ Address the expiration of the plan.
 - ☐ Cure the infeasibility of the plan.
 - ☒ Modify the amount of the plan payment, the length of the plan and/or the percentage to be paid to unsecured creditors because of a change in financial circumstances.
3. Terms of original confirmed Chapter 13 plan:
The Order Confirming Plan was entered on **3/28/2023**.
Plan payment amount(s): **\$1,722** per month for months **1 - 5**;
\$4,162 per month for months **6 - 60**.
Length of plan: **60** months.
Percentage paid to Class 5 general unsecured creditors: **54%**.
4. There have been **0** previous modification or suspension orders.
Plan payments have been suspended for **0** months and/or the plan has been extended for **0** months.

5. Current plan terms (**complete this section if the confirmed chapter 13 plan has been subject to a previous modification or suspension order**):

Plan payment amount(s): \$___ per month.

Length of plan: ___ months.

Percentage paid to Class 5 general unsecured creditors: ___%.

6. Proposed modification:

☐ Suspend (*indicate number of plan payments*) ___ plan payments.

☐ Extend the term by (*indicate number of months*) ___ month(s).

☐ Reduce the term by (*indicate number of months*) ___ month(s).

☒ Increase the plan payment from \$4,162 to \$4,485 from (date) 8/2023 to (date) end of plan.

☒ Reduce the plan payment from \$4,162 to \$2,400 from (date) 4/2023 to (date) 7/2023.

7. Since the Order Confirming Plan or the last modification or suspension order was entered, the debtor's circumstances have changed in the following respect:

Debtor's plan relies on income from several sources received by himself and his brother, Eduardo.

Eduardo's job as a contractor has started to pick up recently and he will be receiving regular income in addition to his side jobs. Eduardo is also currently receiving income from CalWORKS. Over the past couple months, his monthly amount was decreased since Eduardo's proof of income was not accepted. He has since re-submitted his application with the requested proof of income. He will be receiving approximately \$1,000 during the week of July 10th and has a hearing set for July 26th to determine the amount of backpay he will be receiving. He is expecting the back pay to total somewhere between \$6,000 to \$8,000.

Debtor recently went through the process of having his VA Disability rating increased and was informed in February that he received a favorable decision that would take approximately 5 months before coming into effect. Debtor is expecting that in addition to an increase in his monthly payments, he will be receiving approximately \$5,000 to \$6,000 in backpay.

The total amount of backpay and increase in monthly income that will be available is more than sufficient to bring Debtor current on plan payments and cover the increase pursuant to the terms of his modified plan.

File and serve amended schedules I and J (if appropriate) and supporting documentation concerning the basis for this motion including, but not limited to, proof of income.

8. If this motion is granted, the last plan payment due would be payable 60 months after the first plan payment was due.

9. If this motion is granted:

a. ☒ There will be no change in the percentage paid to Class 5 general unsecured creditors,

OR

b. ☐ The percentage paid to Class 5 general unsecured creditors will change from ___% to ___%.

Date: July 11, 2023

/s/Benjamin Heston

Benjamin Heston
Attorney for Debtor

I declare under penalty of perjury that the following is true and correct.

Date: July 11, 2023



Maximo Arriola
Debtor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

100 Bayview Circle
Newport Beach, CA 92660

A true and correct copy of the foregoing document entitled: MOTION AND **NOTICE OF MOTION UNDER LBR 3015-1(n) AND (w) TO MODIFY PLAN OR SUSPEND PLAN PAYMENTS** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 07/11/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Rod Danielson (TR) notice-efile@rodan13.com
Nichole Glowin bankruptcy@zbslaw.com, nglowin@ecf.courtdrive.com
United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 07/11/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Scott H. Yun
3420 Twelfth Street
Suite 345 / Courtroom 302
Riverside, CA 92501-3819

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

7/11/2023
Date

Benjamin Heston
Printed Name

/s/Benjamin Heston
Signature